

**REX GUNTHER,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** ) **Lead Case No. 4:16-CV-01606-NCC**  
 ) **Consolidated Case No. 4:17-CV-00172-NCC**  
 )  
 **DR. STACEY NEFF and** )  
 **DAVID SCHMITT,** )  
 )  
 **Defendants.** )

These closed consolidated cases are before the Court on Plaintiff's letter in which he requests copies and an extension of time to appeal (Doc. 32).<sup>1</sup> For the following reasons, Plaintiff's requests will be **GRANTED, in part** and **DENIED, in part**.

This is a consolidated Section 1983 action. *Pro se* Plaintiff Rex S. Gunther f/k/a Peter Charles Kroner’s (“Plaintiff”), a civilly committed person at the Southeast Missouri Mental Health Center (“SMMHC”) in Farmington, Missouri, alleges that Defendants Dr. Stacey Neff (“Dr. Neff”) and David Schmitt (“Schmitt”) (collectively “Defendants”) restricted his ability to send and receive mail. On June 19, 2017, Defendants moved pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss the consolidated action (Doc. 27). On December 8, 2017, the Court granted Defendants’ Motion to Dismiss and dismissed the action with prejudice. On December 11, 2017, along with the Court’s Order, the Clerk of Court sent Plaintiff a letter regarding the appeal process (Doc. 31). On April 17, 2018, Plaintiff filed the current letter in

<sup>1</sup> The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. 636(c)(1). (Doc. 23 in Case No. 4:16-cv-01606-NCC and Doc. 21 in Case No. 4:17-cv-00172-NCC.)

which he requests information regarding the cost of copies of his case as it relates to Defendant Schmitt (Doc. 32). Plaintiff also requests an extension of time from the date of dismissal to 60 days after he receives his copies to seek an appeal in this case (*Id.*). As a preliminary matter, the Court will direct the Clerk of Court to file Plaintiff's letter in the lead case, Case No. 4:16-CV-01606-NCC and remind Plaintiff that all filings regarding this matter should be in that case and contain that case number.

## **II. Analysis**

### **1. Request for Copies**

First, Plaintiff requests information regarding the cost of copies of his case as it relates to Defendant Schmitt. The Court at its discretion may provide *pro se* litigants with copies upon reasonable request. However, here, Plaintiff's request is unreasonable as it encompasses many pages. Therefore, the Court will direct the Clerk of Court to send Plaintiff copies of the docket sheets from the consolidated cases, a copy of the Memorandum and Order addressing Defendants' Motion to Dismiss and associated Order of Dismissal, and a copy of the Clerk of Court's letter regarding the appeal process. If Plaintiff requires any other documents, he shall request which specific documents he needs and include an explanation for why he needs the document. Documents not provided free of charge by Court order cost \$0.50 per page.

### **2. Extension of Time to File an Appeal**

Next, Plaintiff requests an extension of time to file his notice of appeal. Under Federal Rule of Appellate Procedure 4(a)(5), the district court may extend the time to file a notice of appeal if two conditions are met. Fed. R. App. P. 4(a)(5). First, the party must move for an extension of time no later than thirty days after the time to appeal prescribed by Rule 4(a) expires. *Id.* Second, the party must show excusable neglect or good cause. *Id.* Plaintiff's letter

requesting an extension of time is well outside this thirty-day window and, based on the sparse information provided in Plaintiff's letter, the Court is unable to make a finding of good cause or excusable neglect. The Court recognizes that Plaintiff is *pro se*, but "even *pro se* litigants must comply with court rules and directives." *Soliman v. Johanns*, 412 F.3d 920, 922 (8th Cir. 2005) (emphasis added). Therefore, Plaintiff's request for an extension of time to file a notice of appeal will be denied.

### **III. Conclusion**

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk of Court shall file Plaintiff's letter in the lead case, Case No. 4:16-CV-01606-NCC.

**IT IS FURTHER ORDERED** that Plaintiff's request for copies is **GRANTED, in part** and **DENIED, in part**. The Clerk of Court shall send Plaintiff a copy of the docket sheets from the consolidated cases, a copy of the Memorandum and Order addressing Defendants' Motion to Dismiss and associated Order of Dismissal, and a copy of the Clerk of Court's letter regarding the appeal process. If Plaintiff wishes copies of specific items, he shall submit another motion indicating the specific documents by case number and filing number and the reason for the request. The Court will then address his specific requests at that time.

**IT IS FURTHER ORDERED** that Plaintiff's request for extension of time to file an appeal is **DENIED**.

This Memorandum and Order shall be filed in both of the above-captioned cases.

Dated this 31st day of May, 2018.

/s/ Noelle C. Collins  
NOELLE C. COLLINS  
UNITED STATES MAGISTRATE JUDGE